

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--------------------------|---|-------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | 2:05cr204-T |
| |) | |
| BILLY R. MERCER, JR. |) | |

PRETRIAL CONFERENCE ORDER

A pretrial conference was held on November 14, 2005 before the undersigned Magistrate Judge. Present at this conference were Benjamin Schoettker, counsel for the defendant, and Assistant United States Attorney Terry Moorner, counsel for the government. As a result of the conference, it is hereby ORDERED as follows:

1. Jury selection is set for January 23, 2006. The trial of this case is set during the trial term commencing on January 23, 2006 before United States District Judge Myron H. Thompson and is expected to last 2 days.
2. The following motion is pending: defendant's motion to suppress. A hearing on the motion to suppress is set on December 2, 2005.
3. Proposed voir dire questions shall be filed on or before January 17, 2006. Counsel should not include questions seeking information which is provided in the jury questionnaire.
4. All motions in limine shall be filed on or before January 17, 2006. Motions in limine must be accompanied by a brief. Failure to file a brief

will result in denial of the motion.

5. Proposed jury instructions shall be filed on or before January 17, 2006.
6. The last day on which the court will entertain a plea pursuant to Rule 11(c)(1)(A) or (C) plea is January 17, 2006. The government and defendant are informed that if a defendant waits until the last minute to enter a plea, and if that plea, for whatever reason, does not go through, the defendant and the government will be expected to be prepared to go to trial on January 23, 2006. The court will not continue the trial of this case as to any defendant because a defendant's plea was not accepted. In other words, the defendant and the government should not wait until the last minute for a defendant to enter a guilty plea, and both the defendant and the government should all be ready to go to trial on January 23, 2006, as to all defendants, even though a particular guilty plea was not accepted.
7. This case is set for a second pretrial conference on January 3, 2006 at 3:00 p.m. in Courtroom 5B.

DONE this the _____ day of November, 2005.

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE